

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to fact-finding interviews regarding contractor registration revocation

The Labor Commissioner hereby amends Chapter 150, “Construction Contractor Registration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 91C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 91C.5.

Purpose and Summary

For a contractor that no longer meets the criteria for registration, Iowa Code section 91C.5 establishes a revocation procedure requiring a fact-finding interview to assure that a contractor is not in compliance with registration requirements. Subrule 150.11(3), which relates to Iowa Code section 91C.5, previously defaulted to an in-person fact-finding interview with an option for a telephone interview. The amendment to subrule 150.11(3) defaults to a telephone fact-finding interview with videoconference as an option, but also provides for a contractor to request an in-person fact-finding interview at least 72 hours before the interview is scheduled to begin.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 6, 2021, as **ARC 5959C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commissioner on November 29, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 2, 2022.

The following rule-making action is adopted:

Amend subrule 150.11(3) as follows:

150.11(3) *Fact-finding interview.* The purpose of the fact-finding interview is to ensure the contractor is not in compliance before the registration is revoked. ~~All fact-finding interviews shall be held in the offices of the division. A telephone interview may be conducted upon request.~~ The contractor may file a request for an in-person fact-finding interview at least 72 hours before the fact-finding interview is scheduled to begin. Otherwise, the fact-finding interview will be conducted by telephone. The contractor may notify the fact finder of a telephone number to use at least 24 hours before the fact-finding interview is scheduled to begin. Otherwise, the fact finder shall call the number on file for the contractor. The fact-finding interview may be conducted via videoconference if the fact finder and the contractor make arrangements in advance.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/29/21.